IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY EIGHTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.959 of 2005

Between:

K. Chakrapani Goud, S/o late Rajaiah Goud,

R/o Gangaram village, Chanda Nagar, Serilingampalli Mandal,

Ranga Reddy District.

..... PETITIONER

AND

1. The Special Grade Deputy Collector and Revenue Divisional Officer, Chevella Division, Ranga Reddy District.

2. The Executive Engineer, Roads Division, Nation High-Ways, 8th Floor, Gruhakalpa, Nampally, Hyderabad.

3. The Mandal Revenue Officer, Serilingampally Mandal, Chevella Division, Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order, direction more particularly writ in the nature of Mandamus under Article 226 of the Constitution of India declaring the action of the 1st respondent without giving any opportunity to the petitioner by issuing impugned express memo vide No.1/458/2003, dated 20.01.2005 directing the 3rd respondent to recover the amount from the petitioner within 24 hours is illegal, improper and violation of principles of natural justice and consequently declare the said impugned proceeding is hereby set sided and declared as null and void.

Counsel for the Petitioner: SMT. Akella PADMA

Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE

The Court, at the admission stage, made the following:

ORDER:

The grievance of the petitioner in this writ petition is that after acquiring his land admeasuring 41.820 sq. meters including the house bearing No.4-3/2 for the purpose of widening the 490-0 to 534-0 for Hyderabad-Pune Section N.H.9 Road at Gangaram, Hamlet of Chandanagar village, Serilingampally Mandal, Ranga Reddy District, by fixing the structural value at Rs.1,14,500/-, the 1st respondent-Special Grade Deputy Collector and Revenue Divisional Officer, without giving any opportunity of hearing, all of a sudden issued the impugned express memo dated 20.01.2005 to him stating that as per the estimates given by the Executive Engineer the structural value of his house is Rs.37,500/- only, but an amount of Rs.1,14,500/- was paid to him and directed him to return the excess amount of Rs.76,600/- within 24 hours. Hence, he filed the present writ petition.

Heard the learned counsel for petitioner and learned Government Pleader for Revenue.

Learned counsel for the petitioner submits that the 1st respondent, without giving any opportunity to the petitioner to submit his explanation, issued the impugned memo demanding him to return the excess amount paid to him within 24 hours, and therefore the petitioner may be given an opportunity to submit his explanation to the impugned memo.

The impugned memo dated 20.01.2005 shows that while paying compensation to the petitioner's land, which was acquired for widening of the road, some excess amount was paid to the petitioner by the 2nd respondent-Executive Engineer and to recover the same from the petitioner the said memo was issued directing him to return the excess amount paid to him within 24 hours. The said

impugned memo does not show that the same was issued to the petitioner after giving an opportunity to him to submit his explanation.

Having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition with the following directions.

The petitioner is directed to submit his explanation, if any, to the impugned memo on or before 5.00 PM of 31.01.2005, and on submitting such explanation the 1st respondent-Special Grade Deputy Collector and Revenue Divisional Officer shall consider the same and pass appropriate orders thereon in accordance with law within a period of three days from the date of its submission, and proceed further in the matter as per the decision he may take on the explanation of the petitioner.

Accordingly, the writ petition is disposed of at the admission stage. No costs.

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N.V. RAMANA, J.

Date: 28.01.2005

Nsr/Mrr

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.The Special Grade Deputy Collector and Revenue Divisional Officer, Chevella Division, Ranga Reddy District.

2.The Executive Engineer, Roads Division, Nation High-Ways, 8th Floor, Gruhakalpa, Nampally, Hyderabad.

3.The Mandal Revenue Officer, Serilingampally Mandal, Chevella Division, Ranga Reddy District.

4. Two CCs to GP for Revenue, High Court of AP, Hyderabad (OUT)

5. Two CD copies.

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